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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re)	No.	01-30923 DM
PACIFIC GAS & ELECTRIC COMPANY,)	Chapter	11
Debtor.)	[Not set for hearing]	

UNITED STATES TRUSTEE'S
EX PARTE MOTION TO STRIKE MEMORANDUM OF POINTS AND AUTHORITIES
BY RELIANT ENERGY, INC. IN SUPPORT OF
DEBTOR'S MOTION FOR ORDER VACATING THE APPOINTMENT BY
THE UNITED STATES TRUSTEE OF THE OFFICIAL COMMITTEE
OF RATEPAYERS

Linda Ekstrom Stanley hereby moves *ex parte* to strike the memorandum of points and authorities (the "MPA") submitted by Reliant Energy, Inc. ("Reliant"), in support of debtor's motion to vacate the United States Trustee's appointment of the Official Committee of Ratepayers, stating as follows:

1. The MPA is not timely and should not be considered. Debtor and the United States Trustee stipulated to have *debtor's* motion to vacate the United States Trustee's appointment of the Official Ratepayers' Committee heard on shortened time and to a modified briefing schedule.

2. The modified briefing schedule permitted debtor to file a brief by last Wednesday, May, 9, 2001. The United States Trustee's opposition was due *yesterday*, May 15, 2001. The United States Trustee and debtor filed their briefs timely.

3. This morning at 8:16 a.m., the United States Trustee received Reliant's MPA. The MPA is untimely and inappropriate and should not be considered.

4. First, it is late if filed in support of debtor's motion. If Reliant intended to support debtor's motion, it ought to have filed the papers last week with debtor's motion.

5. Second, the brief is untimely because the Office of the United States Trustee was not permitted to review the MPA when she responded to debtor's motion.

6. Reliant did not afford the United States Trustee the courtesy of a telephone call or conference before filing the MPA. Reliant did not fax a copy of the MPA to the United States Trustee even though it appears to have been served yesterday, May 15, 2001.

7. It is evident the MPA is intended to bring to the court's attention Reliant's vexation at not being named a member of the Official Committee of Unsecured Creditors. The MPA contains numerous statements unsupported by either the record or declarations under penalty of perjury. The MPA should be stricken for the additional reason that it is irrelevant to the debtor's motion to vacate a different committee.

For the foregoing reasons, the United States Trustee moves the court to strike the MPA and not consider it.

Date: May 16, 2001

Respectfully submitted,

Patricia A. Cutler
Assistant United States Trustee

By: _____
Stephen L. Johnson
Attorneys for United States Trustee